



February 22, 2002

ENGROSSED SENATE BILL No. 102

DIGEST OF SB 102 (Updated February 19, 2002 4:46 PM - DI 84)

Citations Affected: IC 25-1; IC 25-23.7; noncode.

Synopsis: Licensing of manufactured home installers. Establishes the manufactured home installer licensing board to regulate installers of manufactured homes. Sets the qualifications for licensed manufactured home installers. Provides that a person who installs manufactured homes without a license commits a Class B misdemeanor.

Effective: Upon passage; July 1, 2002.

**Meeks R, Riegsecker, Zakas, Lewis,
Craycraft**

(HOUSE SPONSORS — MOSES, MANGUS, LIGGETT)

January 7, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed. Read third time, passed. Yeas 46, nays 4.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

February 21, 2002, amended, reported — Do Pass.

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ES 102—LS 6253/DI 102+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 102

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.54-2001,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 2.1. Rather than being issued annually, the
4 following permits, licenses, certificates of registration, or evidences of
5 authority granted by a state agency must be issued for a period of two
6 (2) years or for the period specified in the article under which the
7 permit, license, certificate of registration, or evidence of authority is
8 issued if the period specified in the article is longer than two (2) years:
9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.
11 (2) Architects and landscape architects.
12 (3) Dry cleaners.
13 (4) Professional engineers.
14 (5) Land surveyors.
15 (6) Real estate brokers.
16 (7) Real estate agents.
17 (8) Security dealers' licenses issued by the securities

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- 1 commissioner.
- 2 (9) Dental hygienists.
- 3 (10) Dentists.
- 4 (11) Veterinarians.
- 5 (12) Physicians.
- 6 (13) Chiropractors.
- 7 (14) Physical therapists.
- 8 (15) Optometrists.
- 9 (16) Pharmacists and assistants, drugstores or pharmacies.
- 10 (17) Motels and mobile home park licenses.
- 11 (18) Nurses.
- 12 (19) Podiatrists.
- 13 (20) Occupational therapists and occupational therapy assistants.
- 14 (21) Respiratory care practitioners.
- 15 (22) Social workers, marriage and family therapists, and mental
- 16 health counselors.
- 17 (23) Real estate appraiser licenses and certificates issued by the
- 18 real estate appraiser licensure and certification board.
- 19 (24) Wholesale legend drug distributors.
- 20 (25) Physician assistants.
- 21 (26) Dietitians.
- 22 (27) Hypnotists.
- 23 (28) Athlete agents.
- 24 **(29) Manufactured home installers.**

25 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.54-2001,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2002]: Sec. 6. (a) As used in this section, "license" includes
 28 all occupational and professional licenses, registrations, permits, and
 29 certificates issued under the Indiana Code, and "licensee" includes all
 30 occupational and professional licensees, registrants, permittees, and
 31 certificate holders regulated under the Indiana Code.

32 (b) This section applies to the following entities that regulate
 33 occupations or professions under the Indiana Code:

- 34 (1) Indiana board of accountancy.
- 35 (2) Indiana grain buyers and warehouse licensing agency.
- 36 (3) Indiana auctioneer commission.
- 37 (4) Board of registration for architects and landscape architects.
- 38 (5) State board of barber examiners.
- 39 (6) State board of cosmetology examiners.
- 40 (7) Medical licensing board of Indiana.
- 41 (8) Secretary of state.
- 42 (9) State board of dentistry.



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- 1 (10) State board of funeral and cemetery service.
- 2 (11) Worker's compensation board of Indiana.
- 3 (12) Indiana state board of health facility administrators.
- 4 (13) Committee of hearing aid dealer examiners.
- 5 (14) Indiana state board of nursing.
- 6 (15) Indiana optometry board.
- 7 (16) Indiana board of pharmacy.
- 8 (17) Indiana plumbing commission.
- 9 (18) Board of podiatric medicine.
- 10 (19) Private detectives licensing board.
- 11 (20) State board of registration for professional engineers.
- 12 (21) Board of environmental health specialists.
- 13 (22) State psychology board.
- 14 (23) Indiana real estate commission.
- 15 (24) Speech-language pathology and audiology board.
- 16 (25) Department of natural resources.
- 17 (26) State boxing commission.
- 18 (27) Board of chiropractic examiners.
- 19 (28) Mining board.
- 20 (29) Indiana board of veterinary medical examiners.
- 21 (30) State department of health.
- 22 (31) Indiana physical therapy committee.
- 23 (32) Respiratory care committee.
- 24 (33) Occupational therapy committee.
- 25 (34) Social worker, marriage and family therapist, and mental
- 26 health counselor board.
- 27 (35) Real estate appraiser licensure and certification board.
- 28 (36) State board of registration for land surveyors.
- 29 (37) Physician assistant committee.
- 30 (38) Indiana dietitians certification board.
- 31 (39) Indiana hypnotist committee.
- 32 (40) Attorney general (only for the regulation of athlete agents).
- 33 (41) **Manufactured home installer licensing board.**
- 34 (42) Any other occupational or professional agency created after
- 35 June 30, 1981.
- 36 (c) Notwithstanding any other law, the entities included in
- 37 subsection (b) shall send a notice of the upcoming expiration of a
- 38 license to each licensee at least sixty (60) days prior to the expiration
- 39 of the license. The notice must inform the licensee of the need to renew
- 40 and the requirement of payment of the renewal fee. If this notice of
- 41 expiration is not sent by the entity, the licensee is not subject to a
- 42 sanction for failure to renew if, once notice is received from the entity,



the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.227-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).**

(b) Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter, nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.82-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:



- 1 (1) licensed, certified, or registered by a board listed in this
- 2 section; and
- 3 (2) the subject of a complaint filed with the division.
- 4 "Person" means an individual, a partnership, a limited liability
- 5 company, or a corporation.
- 6 "Regulated occupation" means an occupation in which a person is
- 7 licensed, certified, or registered by one (1) of the following:
- 8 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 9 (2) Board of registration for architects and landscape architects
- 10 (IC 25-4-1-2).
- 11 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 12 (4) State board of barber examiners (IC 25-7-5-1).
- 13 (5) State boxing commission (IC 25-9-1).
- 14 (6) Board of chiropractic examiners (IC 25-10-1).
- 15 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 16 (8) State board of dentistry (IC 25-14-1).
- 17 (9) State board of funeral and cemetery service (IC 25-15-9).
- 18 (10) State board of registration for professional engineers
- 19 (IC 25-31-1-3).
- 20 (11) Indiana state board of health facility administrators
- 21 (IC 25-19-1).
- 22 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 23 (13) Indiana state board of nursing (IC 25-23-1).
- 24 (14) Indiana optometry board (IC 25-24).
- 25 (15) Indiana board of pharmacy (IC 25-26).
- 26 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 27 (17) Board of podiatric medicine (IC 25-29-2-1).
- 28 (18) Board of environmental health specialists (IC 25-32-1).
- 29 (19) State psychology board (IC 25-33).
- 30 (20) Speech-language pathology and audiology board
- 31 (IC 25-35.6-2).
- 32 (21) Indiana real estate commission (IC 25-34.1-2).
- 33 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 34 (23) Department of natural resources for purposes of licensing
- 35 water well drillers under IC 25-39-3.
- 36 (24) Respiratory care committee (IC 25-34.5).
- 37 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 38 (26) Occupational therapy committee (IC 25-23.5).
- 39 (27) Social worker, marriage and family therapist, and mental
- 40 health counselor board (IC 25-23.6).
- 41 (28) Real estate appraiser licensure and certification board
- 42 (IC 25-34.1-8).

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(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) **Manufactured home installer licensing board (IC 25-23.7).**

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.82-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).



- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) **Manufactured home installer licensing board (IC 25-23.7).**
- (37) Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-11-1, AS AMENDED BY P.L.82-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(13)~~ **(12) Real estate appraiser licensure certification board**



(IC 25-34.1-8).

~~(14)~~ (13) Private detectives licensing board (IC 25-30-1-5.1).

**(14) Manufactured home installer licensing board
(IC 25-23.7).**

SECTION 7. IC 25-23.7 IS ADDED TO THE INDIANA CODE AS
A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2002]:

ARTICLE 23.7. MANUFACTURED HOME INSTALLERS

Chapter 1. Application of Article

Sec. 1. This article applies to a person who installs
manufactured homes for occupancy as single family dwellings.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this
article.

Sec. 2. "Board" refers to the manufactured home installer
licensing board established by IC 25-23.7-3-1.

Sec. 3. "Installation" or "install" means any of the following:

- (1) The construction, whether temporary or permanent, of a
structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or
manufactured home components on a structural support
system.
- (3) Supporting, blocking, leveling, securing, anchoring, or
adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or
components of a manufactured home.

Sec. 4. "Installer" means an individual who contracts to install
or installs a manufactured home.

Sec. 5. "Licensee" means an individual who installs
manufactured homes and is licensed under this article.

Sec. 6. "Licensing agency" refers to the Indiana professional
licensing agency established by IC 25-1-6-3.

Sec. 7. "Manufactured home" has the meaning set forth in
IC 22-12-1-16.

Sec. 8. "Secretary" has the meaning set forth in IC 25-1-6-5(c).

Chapter 3. Manufactured Home Installer Licensing Board

Sec. 1. The manufactured home installer licensing board is
established.

Sec. 2. (a) The board consists of nine (9) members appointed by
the governor as follows:

- (1) Four (4) members who are installers, each of whom:
 - (A) is licensed in Indiana as an installer; and



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(B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.

(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.

(3) One (1) member who represents manufactured home dealers.

(4) One (1) member who is an operator or who is employed by an operator of a mobile home park licensed under IC 16-41-27.

(5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.

(6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.

(b) The members of the board must be residents of Indiana.

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.

(b) A board member may not serve more than two (2) consecutive terms.

Sec. 4. (a) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

Sec. 5. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the time and place for each meeting.

(c) Five (5) members of the board constitute a quorum.

(d) Except as otherwise provided in this article, at least five (5) votes are necessary for the board to take official action.

Sec. 6. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.



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1 Sec. 7. (a) Each year the board shall elect a member as
2 chairperson and a member as vice chairperson.

3 (b) The chairperson and vice chairperson shall serve until their
4 successor is elected.

5 (c) The chairperson shall preside at all meetings at which the
6 chairperson is present. The vice chairperson shall preside at
7 meetings in the absence of the chairperson and shall perform other
8 duties as the chairperson directs.

9 (d) If the chairperson and vice chairperson are absent from a
10 meeting of the board when a quorum exists, the members who are
11 present may elect a presiding officer who shall serve as acting
12 chairperson until the conclusion of the meeting or until the arrival
13 of the chairperson or vice chairperson.

14 Sec. 8. The board shall:

15 (1) enforce and administer this article;

16 (2) adopt rules under IC 4-22-2 for the administration and
17 enforcement of this article, including competency standards
18 and a code of ethics for licensed installers;

19 (3) prescribe the requirements for and the form of licenses
20 issued or renewed under this article;

21 (4) issue, deny, suspend, and revoke licenses in accordance
22 with this article;

23 (5) in accordance with IC 25-1-7, investigate and prosecute
24 complaints involving licensees or individuals the board has
25 reason to believe should be licensees, including complaints
26 concerning the failure to comply with this article or rules
27 adopted under this article;

28 (6) bring actions in the name of the state of Indiana in an
29 appropriate circuit court to enforce compliance with this
30 article or rules adopted under this article;

31 (7) establish fees in accordance with IC 25-1-8;

32 (8) inspect the records of a licensee in accordance with rules
33 adopted by the board;

34 (9) conduct or designate a board member or other
35 representative to conduct public hearings on any matter for
36 which a hearing is required under this article and to exercise
37 all powers granted under IC 4-21.5; and

38 (10) maintain the board's office, files, records, and property
39 in the city of Indianapolis.

40 Chapter 4. Licensing Agency; Board Secretary

41 Sec. 1. The licensing agency shall provide the board with a
42 competent person to serve as secretary of the board. The secretary

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1 is not a member of the board. The secretary, through the licensing
2 agency, shall:

- 3 (1) keep a complete and accurate record of all proceedings of
4 the board;
- 5 (2) keep a current file of all licenses and licensees; and
- 6 (3) perform any other duties assigned by the board.

7 Sec. 2. The licensing agency shall provide the board with clerical
8 or other assistants, including investigators, necessary for the
9 proper performance of the board's duties.

10 Sec. 3. The secretary shall receive and account for all money
11 collected under this article and deposit the money in the state
12 general fund with the treasurer of state. All expenses incurred in
13 the administration of this article shall be paid from the state
14 general fund.

15 Chapter 5. Licensing Requirements

16 Sec. 1. (a) Except as provided in subsection (b), an individual
17 may not install a manufactured home without first obtaining from
18 the board a license authorizing the individual to install a
19 manufactured home. A political subdivision may not require a
20 licensee to submit to any other form of licensing except for that
21 required by a political subdivision for onsite electrical, plumbing,
22 or mechanical systems installation. However, this article does not
23 limit the power of a political subdivision to regulate the quality and
24 character of work performed by a licensee through the
25 enforcement of building codes or conducting inspections.

26 (b) An individual acting at all times at the direction and under
27 the supervision of a licensed installer need not be licensed in order
28 to install a manufactured home. A licensee is fully responsible for
29 all installation work performed under the licensee's direction or
30 supervision.

31 (c) This section does not prohibit:

- 32 (1) a manufactured housing community owner;
- 33 (2) a manufactured housing community manager; or
- 34 (3) the employees of a person described in subdivision (1) or
35 (2);

36 from providing maintenance to an installation if that maintenance
37 does not otherwise require a license by a political subdivision for
38 onsite electrical, plumbing, or mechanical systems installation.

39 Sec. 2. An individual who applies for a license as an installer of
40 a manufactured home must do the following:

- 41 (1) Furnish evidence satisfactory to the board showing that
42 the individual:

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- 1 (A) is at least eighteen (18) years of age;
- 2 (B) has successfully completed the board approved
- 3 installation training course;
- 4 (C) has successfully completed a board approved course
- 5 concerning Indiana law regarding:
- 6 (i) the installation requirements for manufactured
- 7 homes; and
- 8 (ii) the state department of health requirements that
- 9 apply to manufactured homes;
- 10 (D) has:
- 11 (i) at least one (1) year of experience installing
- 12 manufactured homes under the direction and
- 13 supervision of a licensed installer; or
- 14 (ii) three (3) references, two (2) of whom are licensed
- 15 installers familiar with the individual's work experience
- 16 and competency; and
- 17 (E) has not been:
- 18 (i) convicted of an act that would constitute a ground for
- 19 disciplinary action under this article; or
- 20 (ii) the subject of a disciplinary action by the licensing or
- 21 certification agency of another state or jurisdiction in
- 22 connection with the installation of manufactured homes.
- 23 (2) Verify the information submitted on the application form.
- 24 (3) Submit proof of insurance or a surety bond:
- 25 (A) issued by an insurance or a surety company authorized
- 26 to transact business in Indiana;
- 27 (B) in an amount determined by the board; and
- 28 (C) with the terms and conditions established by the board.
- 29 (4) Pay the fee established by the board.
- 30 **Sec. 3. An individual applying for a license as an installer of**
- 31 **manufactured homes must apply on a form prescribed and**
- 32 **provided by the board.**
- 33 **Sec. 4. An individual who is denied a license under this article**
- 34 **has the remedies prescribed under IC 4-21.5.**
- 35 **Chapter 6. Renewal of License**
- 36 **Sec. 1. Notwithstanding IC 25-1-2, a license issued under**
- 37 **IC 25-23.7-5 expires four (4) years after it is issued, at a time and**
- 38 **date designated by the board.**
- 39 **Sec. 2. An individual who applies to renew a license as an**
- 40 **installer of a manufactured home must:**
- 41 (1) furnish evidence showing successful completion of the
- 42 continuing education requirements of this chapter; and



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(2) pay the renewal fee established by the board.

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

Sec. 4. Each licensed installer must complete the continuing education required by the board before the end of each license renewal period.

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

(1) Establish procedures for approving organizations that provide continuing education.

(2) Establish a fee for each hour of continuing education required after a license is issued or renewed.

(3) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of installers.

Chapter 7. Disciplinary Proceedings; Enforcement

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

(1) Violating this article or rules adopted by the board under this article.

(2) Making a false or material misleading representation:

(A) in a license application form or renewal form; or

(B) in information provided to the board.

(3) Failing to pay fees or fines required under this article.

(4) Communicating to the public false or misleading information concerning the license held.

(5) Failing to complete the continuing education requirements established by the board.

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to install manufactured homes. The summary suspension may be renewed, upon a hearing before the board, for up to ninety (90) days.

Sec. 4. (a) When the board determines that an individual not licensed under this article is engaged in or believed to be engaged

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1 in activities for which a license is required under this article, the
 2 board may issue an order to that individual requiring the
 3 individual to show cause why the individual should not be ordered
 4 to cease and desist from such activities. The show cause order must
 5 set forth a time and place for a hearing at which the affected
 6 individual may appear and show cause as to why the individual
 7 should not be subject to licensing under this article.

8 (b) If the board, after a hearing, determines that the activities
 9 in which the individual is engaged are subject to licensing under
 10 this article, the board may issue a cease and desist order that
 11 describes the individual and activities that are the subjects of the
 12 order.

13 (c) A cease and desist order issued under this section is
 14 enforceable in the circuit or superior courts.

15 **Sec. 5. An individual who:**

- 16 (1) engages in or offers to engage in the installation of a
- 17 manufactured home without being licensed or without being
- 18 exempt from licensing under Indiana law;
- 19 (2) presents as the individual's own the license of another;
- 20 (3) intentionally gives false or materially misleading
- 21 information of any kind to the board or to a board member in
- 22 connection with licensing matters;
- 23 (4) impersonates another licensee;
- 24 (5) uses an expired, suspended, or revoked license; or
- 25 (6) otherwise violates this article;

26 commits a Class B misdemeanor.

27 **Sec. 6. An individual who applies for and is denied a license or**
 28 **a licensee who is aggrieved by an order or a determination of the**
 29 **board is entitled to a judicial review under IC 4-21.5.**

30 **Sec. 7. The attorney general shall act as the legal adviser for the**
 31 **board and provide any legal assistance necessary to carry out this**
 32 **article.**

33 **SECTION 8. [EFFECTIVE JULY 1, 2002] (a) An individual who**
 34 **installs manufactured homes does not violate IC 25-23.7-5-1 or**
 35 **IC 25-23.7-7-5(1), both as added by this act, and may not be**
 36 **disciplined or sanctioned for failure to have an installer's license,**
 37 **if the person obtains a license before July 1, 2003.**

38 **(b) This SECTION expires January 1, 2004.**

39 **SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 40 **SECTION, "board" refers to the manufactured home installers**
 41 **licensing board established by IC 25-23.7-3-1, as added by this act.**

42 **(b) The governor shall make the initial appointments to the**



board not later than July 1, 2002. In making an initial appointment, the governor shall indicate the length of the term for which the individual is appointed.

(c) The initial terms of office for the nine (9) individuals appointed to the board by the governor are as follows:

- (1) Two (2) members for a term of one (1) year.
- (2) Two (2) members for a term of two (2) years.
- (3) Two (2) members for a term of three (3) years.
- (4) Three (3) members for a term of four (4) years.

(d) The initial terms begin July 1, 2002.

(e) An individual who does not meet the requirements of IC 25-23.7-3-2(a)(1)(A), as added by this act, may be appointed to the board under IC 25-23.7-3-2(a)(1), as added by this act, if the individual:

- (1) meets the requirements of IC 25-23.7-5-2, as added by this act, except for IC 25-23.7-5-2(1)(C), as added by this act;
- (2) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the person's appointment; and
- (3) obtains a license under IC 25-23.7-5, as added by this act, not later than July 1, 2003.

(f) A board member appointed under subsection (e) who does not obtain the requisite license under IC 25-23.7-5, as added by this act, on or before July 1, 2003, shall be considered to have resigned from the board on that date, and the governor shall fill the vacancy under IC 25-23.7-3-4(b), as added by this act.

(g) Not later than January 1, 2003, the board shall adopt rules under IC 4-22-2 to carry out this act.

(h) This SECTION expires July 1, 2006.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 25-23.7-2, as added by this act, apply throughout this SECTION.

(b) An individual who applies for a license as an installer of a manufactured home under IC 25-23.7-2, as added by this act, is not required to comply with IC 25-23.7-5-2(1)(D), as added by this act. Such an individual is required to do the following:

- (1) Show to the satisfaction of the board that the individual is an experienced installer.
- (2) Comply with the other requirements of IC 25-23.7-5-2, as added by this act.

(c) This SECTION expires July 1, 2005.

SECTION 11. An emergency is declared for this act.



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SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 102.

MEEKS R

SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as second author and Senators Lewis and Craycraft be added as coauthors of Senate Bill 102.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, line 17, after "including" insert "**competency**".

Page 10, line 17, delete "for the".

Page 10, line 18, delete "competent installation of manufactured homes".

Page 11, line 20, delete "The license obtained from the board is the" and insert "**A political subdivision may not require a licensee to submit to any other form of licensing. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through the enforcement of building codes or conducting inspections.**".

Page 11, delete line 21.

Page 11, line 32, delete "a" and insert "**the**".

Page 11, line 32, delete "factory" and insert "**installation training course;**".

Page 11, delete lines 33 through 34.

Page 15, between lines 17 and 18, begin a new paragraph and insert: "**SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 25-23.7-2, as added by this act, apply throughout this SECTION.**

(b) An individual who applies for a license as an installer of a manufactured home under IC 25-23.7-2, as added by this act, is not required to comply with IC 25-23.7-5-2(1)(D), as added by this act. Such an individual is required to do the following:

(1) Show to the satisfaction of the board that the individual is an experienced installer.

(2) Comply with the other requirements of IC 25-23.7-5-2, as added by this act.

(c) This SECTION expires July 1, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 102 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 9, Nays 0.

ES 102—LS 6253/DI 102+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, line 20, delete "." and insert **"except for that required by a political subdivision for onsite electrical, plumbing, or mechanical systems installation."**

Page 11, between lines 28 and 29, begin a new paragraph and insert:

"(c) This section does not prohibit:

- (1) a manufactured housing community owner;**
- (2) a manufactured housing community manager; or**
- (3) the employees of a person described in subdivision (1) or (2);**

from providing maintenance to an installation if that maintenance does not otherwise require a license by a political subdivision for onsite electrical, plumbing, or mechanical systems installation."

Page 12, line 15, after "or" insert **"a"**.

Page 12, line 26, delete "A" and insert **"Notwithstanding IC 25-1-2, a"**.

Page 12, line 26, delete "two (2)" and insert **"four (4)"**.

Page 14, line 17, after "or" insert **"a"**.

and when so amended that said bill do pass.

(Reference is to SB 102 as printed January 25, 2002.)

MOSES, Chair

Committee Vote: yeas 8, nays 0.

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